

# **ATTACHMENT 36**

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Page 1

1 UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF CALIFORNIA  
3 SAN JOSE DIVISION  
4

CISCO SYSTEMS, INC. Case No.: 5:14-cv-05344-BLF (PSG)

5 Plaintiff,  
6

7 v.

ARISTA NETWORKS, INC.

8 Defendants.  
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11  
12

13 \* HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY \*

14 VIDEOTAPED DEPOSITION OF PHILLIP REMAKER

15 Palo Alto, California

16 Wednesday, March 30, 2016

17 Volume 1  
18  
19  
20

21 Reported by:

22 LESLIE JOHNSON

23 RPR, CSR No. 11451

24 Job No.: 2281748

25 PAGES 1 - 190

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1 UNITED STATES DISTRICT COURT 2 FOR THE NORTHERN DISTRICT OF CALIFORNIA 3 SAN JOSE DIVISION 4 5 CISCO SYSTEMS, INC. Case No.: 5:14-cv-05344-BLF(PSG) 6 7 Plaintiff, 8 9 v. 10 11 ARISTA NETWORKS, INC. 12 13 Defendants. 14 15 16 17 18 19 20 21 22 23 24 25	1 INDEX 2 3 WITNESS EXAMINATION 4 PHILLIP REMAKER Volume 1 5 6 BY MR. FERRALL 8 7 8 EXHIBITS 9 PHILLIP REMAKER 10 NUMBER DESCRIPTION PAGE 11 Exhibit 410 PowerPoint titled "Understanding 52 Cisco Culture"; 21 pages 12 13 Exhibit 411 Draft document titled "Phil 64 Remaker: Recertifying Keeps 10-Year CCIE At the Top of His Game"; 2 pages 14 15 Exhibit 412 Draft document titled "Cisco 67 Services Industry and Standards Strategy"; Bates stamped 16 CSI-CLI-01705202 to 226 17 Exhibit 413 Document entitled "Parser Police: 101 Where can we go from here?"; Bates 18 stamped CSI-CLI-02635203 to 232 19 Exhibit 414 E-mail dated 10/21/2004 from David 115 Hsiao to qisw-losx-dev@cisco.com, 20 et al.; Bates stamped 21 CSI-CLI-01119556 to 58 22 23 Exhibit 415 E-mail chain, top e-mail dated 127 11/18/2014 from Phillip Remaker to 24 Manas Moothedath; Bates stamped 25 CSI-CLI-01334598 to 99 Page 4
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25
1 APPEARANCES: 2 3 FOR PLAINTIFF CISCO SYSTEMS, INC.: 4 QUINN EMANUEL URQUHART & SULLIVAN LLP 5 BY: JOHN (JAY) NEUKOM, ESQ. 6 50 California Street, 22nd Floor 7 San Francisco, California 94111 8 (415)875-6600 9 johnneukom@quinnemanuel.com 10 FOR DEFENDANT ARISTA NETWORKS, INC.: 11 KEKER & VAN NEST LLP 12 BY: BRIAN L. FERRALL, ESQ. 13 RYAN WONG, ESQ. 14 633 Battery Street 15 San Francisco, California 94111 16 (415)391-5400 17 bferrall@kvn.com 18 rwong@kvn.com 19 ALSO PRESENT: 20 SEAN GRANT, Videographer 21 22 23 24 25	1 EXHIBITS (Cont.) 2 PHILLIP REMAKER 3 NUMBER DESCRIPTION PAGE 4 Exhibit 416 E-mail chain, top e-mail dated 129 May 24, 2013, from Douglas Gourlay 5 to Kenneth Duda, Jeff Hirschman, Andy Bechtolsheim; Bates stamped 6 ARISTANDCA10798303 7 Exhibit 417 E-mail chain, top e-mail dated 133 2/22/2012 from Phillip Remaker to 8 Monique Morrow, et al.; Bates stamped CSI-CLI-01330908 to 909 9 10 Exhibit 418 E-mail thread, top e-mail dated 135 2/22/2012, from Phillip Remaker to 11 Carlos Pignataro; Bates stamped CSI-CLI-01330910 to 11 12 Exhibit 419 E-mail thread, top e-mail dated 137 2/22/2012, fro Phillip Remaker to 13 Kirk Loughheed; Bates stamped CSI-ANI-0054337 and 337-1 14 15 Exhibit 420 E-mail thread, top e-mail dated 139 2/22/2012, from Phillip Remaker to 16 Carlos Pignataro; Bates stamped CSI-CLI-01330914 to 15 17 Exhibit 421 E-mail thread, top e-mail dated 144 9/12/2013, from Phillip Remaker to 18 Kirk Loughheed; Bates stamped CSI-CLI-01283493 to 94 19 20 Exhibit 422 E-mail dated 11/22/2005, from 148 Phillip Remaker; Bates stamped CSI-CLI-00810106 21 22 Exhibit 423 E-mail dated 4/15/2008, from Phillip 151 Remaker to Rick Pratt; Bates stamped CSI-CLI-01133437 23 24 Exhibit 424 E-mail thread, top e-mail dated 159 8/2/2007, from Dave McNamee to Pradeep Kathail, et al.; Bates 25 stamped CSI-CLI-01130272 to 74 Page 5

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<p>1 EXHIBITS (Cont.)</p> <p>2 PHILLIP REMAKER</p> <p>3 NUMBER DESCRIPTION PAGE</p> <p>4 Exhibit 425 E-mail thread, top e-mail dated 165</p> <p>5 5/7/2004, from Andrea Westerinen to</p> <p>6 Max Pritikin; Bates stamped</p> <p>7 CSI-CLI-02906678 to 79</p> <p>8</p> <p>9 Exhibit 426 PowerPoint entitled "Innovation @ 172</p> <p>10 Cisco"; Bates stamped</p> <p>11 CSI-CLI-01336695 to 717</p> <p>12</p> <p>13 Exhibit 427 Metadata; 1 page 173</p> <p>14</p> <p>15 Exhibit 428 E-mail dated 6/17/2015, from Phillip 180</p> <p>16 Remaker to Fred Baker, et al.; Bates</p> <p>17 stamped CSI-CLI-01336225 to 27</p> <p>18</p> <p>19 PREVIOUSLY MARKED</p> <p>20</p> <p>21 Exhibit 136 LinkedIn page for Tony Li; 8 pages 132</p> <p>22</p> <p>23 ***</p> <p>24</p> <p>25</p> <p style="text-align: right;">Page 6</p>	<p>1 MR. NEUKOM: John Neukom for the plaintiff</p> <p>2 and also representing today the witness.</p> <p>3 THE VIDEOGRAPHER: Thank you. The</p> <p>4 certified court reporter, please swear in the</p> <p>5 witness.</p> <p>6</p> <p>7 PHILLIP REMAKER,</p> <p>8 having been administered an oath, was examined and</p> <p>9 testified as follows:</p> <p>10</p> <p>11 EXAMINATION</p> <p>12 BY MR. FERRALL:</p> <p>13 <b>Q. Good morning.</b></p> <p>14 A. Good morning.</p> <p>15 <b>Q. Please state your full name.</b></p> <p>16 A. Phillip Remaker.</p> <p>17</p> <p>18 <b>Q. Have you ever been deposed before?</b></p> <p>19 A. I have been deposed before.</p> <p>20 <b>Q. How many times?</b></p> <p>21 A. Once.</p> <p>22 <b>Q. What was that matter?</b></p> <p>23 A. It was a patent litigation matter.</p> <p>24 <b>Q. Okay. Involving Cisco?</b></p> <p>25</p> <p style="text-align: right;">Page 8</p>
<p>1 Palo Alto, California, Wednesday, March 30, 2016</p> <p>2 9:31 a.m.</p> <p>3</p> <p>4 THE VIDEOGRAPHER: Good morning. We're on</p> <p>5 the record. The time is 9:31 a.m. and the date is</p> <p>6 March 30th, 2016. This begins of videotaped</p> <p>7 deposition of Mr. Phillip remaker. My name is Sean</p> <p>8 Grant, here with our court reporter Leslie Johnson.</p> <p>9 We're here from Veritext Legal Solutions at the</p> <p>10 request of counsel for Defendant. This deposition</p> <p>11 is being held at Wilson Sonsini in Palo Alto,</p> <p>12 California. The caption of this case is Cisco</p> <p>13 Systems, Inc. versus Arista Networks, Inc., Case No.</p> <p>14 5414-CV-05344-BLF.</p> <p>15 Please note that audio and video recording</p> <p>16 will take place unless all parties have agreed to go</p> <p>17 off the record. Microphones are sensitive and they</p> <p>18 pick up whispers, private conversations or cellular</p> <p>19 interference.</p> <p>20 At this time, will counsel please identify</p> <p>21 themselves and state whom they represent.</p> <p>22 MR. FERRALL: Brian Ferrall of Kecker &amp;</p> <p>23 Van Nest on behalf of Defendant Arista Networks.</p> <p>24 MR. WONG: Ryan Wong, Kecker &amp; Van Nest on</p> <p>25 behalf of Arista Networks.</p> <p style="text-align: right;">Page 7</p>	<p>1 A. Yes.</p> <p>2 <b>Q. Who was the other party in that case?</b></p> <p>3 A. I don't recall.</p> <p>4 <b>Q. Okay. How long ago was that deposition?</b></p> <p>5 A. Probably 8 to 10 years ago.</p> <p>6 <b>Q. I'll just remind you. You understand</b></p> <p>7 <b>you're under oath today?</b></p> <p>8 A. I understand.</p> <p>9 <b>Q. And is there any reason you can't provide</b></p> <p>10 <b>truthful testimony today?</b></p> <p>11 A. There is not.</p> <p>12 <b>Q. You understand I'm sure that your counsel</b></p> <p>13 <b>may make objections periodically, but unless there</b></p> <p>14 <b>is an instruction not to answer a question, I'm</b></p> <p>15 <b>going to ask you to answer that question to the best</b></p> <p>16 <b>of your ability. Okay?</b></p> <p>17 A. Okay.</p> <p>18 <b>Q. And if you don't understand a question,</b></p> <p>19 <b>let me know. I'll try to clarify that. All right?</b></p> <p>20 A. Okay.</p> <p>21 <b>Q. If you do answer a question, I'm going to</b></p> <p>22 <b>assume that you understood it. Okay?</b></p> <p>23 A. Okay.</p> <p>24 <b>Q. Fair?</b></p> <p>25 <b>And of course, we'll take breaks</b></p> <p style="text-align: right;">Page 9</p>

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<p>1 such as this?</p> <p>2 A. It was my idea.</p> <p>3 <b>Q. Let me ask you to turn to page 8 of this</b></p> <p>4 <b>exhibit. This slide is entitled "Engineering</b></p> <p>5 <b>Philosophy."</b></p> <p>6 <b>Do you see that?</b></p> <p>7 A. Yes.</p> <p>8 <b>Q. Can you tell me what the purpose of these</b></p> <p>9 <b>bullet points under "Engineering Philosophy" was?</b></p> <p>10 A. Can you be specific?</p> <p>11 <b>Q. Yeah. Why did you feel it was important</b></p> <p>12 <b>or necessary to convey these points about</b></p> <p>13 <b>engineering philosophy?</b></p> <p>14 A. Some of these points help understand the</p> <p>15 way a product is designed and the way it behaves as</p> <p>16 well as the best way to interact with your peers in</p> <p>17 engineering.</p> <p>18 <b>Q. Whose engineering philosophy does this</b></p> <p>19 <b>reflect? Is this Cisco's or TAC or what?</b></p> <p>20 A. This is actually --</p> <p>21 MR. NEUKOM: Stop. Remember, it's</p> <p>22 important to make sure that Mr. Ferrall is done</p> <p>23 asking the question.</p> <p>24 BY MR. FERRALL:</p> <p>25 <b>Q. All right. I was done.</b></p> <p style="text-align: right;">Page 54</p>	<p>1 best guess of how to behave, rather than falling</p> <p>2 back on pedantic exactness and causing a failure.</p> <p>3 And the second part is that we should</p> <p>4 adhere and hew very closely without mistakes to</p> <p>5 standards.</p> <p>6 <b>Q. And why is it that you say we should hew</b></p> <p>7 <b>very closely to standards?</b></p> <p>8 A. We can't necessarily trust a third-party</p> <p>9 device will be as forgiving as our device will be.</p> <p>10 <b>Q. And so why does that support the</b></p> <p>11 <b>philosophy of hewing closely to a standard?</b></p> <p>12 MR. NEUKOM: Objection. Asks for opinion</p> <p>13 and vague.</p> <p>14 THE WITNESS: The purpose of a protocol is</p> <p>15 to achieve some customer end, and to the extent you</p> <p>16 can do so, without causing a failure is important to</p> <p>17 customers.</p> <p>18 BY MR. FERRALL:</p> <p>19 <b>Q. Can you read the next bullet point on</b></p> <p>20 <b>slide 8?</b></p> <p>21 A. "Bug for bug compatibility (nerd knob)."</p> <p>22 <b>Q. What does that mean?</b></p> <p>23 A. In some cases, a third party may create a</p> <p>24 bug beyond the realm of what could be acceptable</p> <p>25 within the bounds of a standard, but nevertheless,</p> <p style="text-align: right;">Page 56</p>
<p>1 <b>Do you want the question read back?</b></p> <p>2 A. Yes, please.</p> <p>3 <b>Q. Okay. I'll just restate it.</b></p> <p>4 <b>My question was, whose engineering</b></p> <p>5 <b>philosophy does this reflect?</b></p> <p>6 A. This is my personal interpretation of the</p> <p>7 behavior of engineering.</p> <p>8 <b>Q. Behavior of engineering generally or</b></p> <p>9 <b>engineering at Cisco or something else?</b></p> <p>10 A. This is specifically the engineering at</p> <p>11 Cisco.</p> <p>12 <b>Q. The second bullet point, can you read that</b></p> <p>13 <b>for me?</b></p> <p>14 A. "Be liberal in what you accept and strict</p> <p>15 in what you send."</p> <p>16 <b>Q. Do you know where that pearl of wisdom</b></p> <p>17 <b>comes from?</b></p> <p>18 A. I believe that it came from the Internet</p> <p>19 Engineering Task Force or IETF.</p> <p>20 <b>Q. And what do you understand that to mean?</b></p> <p>21 A. Protocols especially can be complicated,</p> <p>22 and it's easy for somebody to make a mistake when</p> <p>23 designing a protocol.</p> <p>24 The idea is that a software or a system</p> <p>25 should be tolerant of errors and mistakes and make a</p> <p style="text-align: right;">Page 55</p>	<p>1 that bug is out in the wild and causing problems for</p> <p>2 customers. The ability to allow our product to work</p> <p>3 in the face of that bug is more important than</p> <p>4 adhering to the standard. So the ability to add a</p> <p>5 feature, a command, or something for a customer in</p> <p>6 order to cope with that bug is important to our</p> <p>7 customers. So it's a continuation of the idea prior</p> <p>8 to it.</p> <p>9 <b>Q. And what does "nerd knob" mean?</b></p> <p>10 A. A nerd knob is a setting that would only</p> <p>11 be set by somebody who had very deep knowledge of</p> <p>12 why it should be set. So the person with deep</p> <p>13 knowledge is a nerd, and the command is the knob.</p> <p>14 <b>Q. Okay. And then the last bullet point on</b></p> <p>15 <b>this slide says "Cisco is Cisco's first best</b></p> <p>16 <b>customer."</b></p> <p>17 <b>Do you see that?</b></p> <p>18 A. Yes.</p> <p>19 <b>Q. What does that mean?</b></p> <p>20 A. Cisco is the first consumer of Cisco's</p> <p>21 products. There is a program at Cisco called "Cisco</p> <p>22 at Cisco." We are very leading edge in adopting our</p> <p>23 own products. And the idea for all products is,</p> <p>24 before we give it to our customers, it's going to be</p> <p>25 good enough for us first.</p> <p style="text-align: right;">Page 57</p>

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<p>1 difference was between the way Juniper would expand 2 the command after typing "sh" space versus how Cisco 3 would do it?</p> <p>4 A. Once you type enough characters for the 5 Cisco CLI to recognize the word, it will act as if 6 you typed the entire word. Whereas, the Juniper CLI 7 apparently finished the word for you when you 8 pressed space.</p> <p>9 <b>Q. Oh, so the Cisco CLI didn't finish the</b> 10 <b>word, it just --</b></p> <p>11 A. Accepted the abbreviated form.</p> <p>12 <b>Q. I see.</b></p> <p>13 <b>Did you ever come to learn of other</b> 14 <b>companies characterizing their CLI as being similar</b> 15 <b>to Cisco's?</b></p> <p>16 A. I think there were some companies that 17 used some commands similar to Cisco's.</p> <p>18 <b>Q. When did you first learn of that?</b></p> <p>19 A. Probably around 1998 or 1999.</p> <p>20 <b>Q. Do you remember what companies you learned</b> 21 <b>had commands similar to Cisco's?</b></p> <p>22 A. I believe that Redback Networks used some 23 commands similar to Cisco's commands.</p> <p>24 <b>Q. How did you learn that?</b></p> <p>25 A. I don't remember.</p> <p style="text-align: right;">Page 150</p>	<p>1 A. Yes.</p> <p>2 MR. NEUKOM: I don't know who this error 3 is on. Maybe it's just the way the document was 4 produced, but I'll take a standing objection to any 5 and all questions on this document on the basis that 6 it appears to be an incomplete document.</p> <p>7 MR. FERRALL: Why do you say that?</p> <p>8 MR. NEUKOM: I say that just because this 9 appears to me to be -- again, maybe this actually is 10 the document, but what I'm concerned about is this 11 appears to be an April 15 e-mail from the witness, 12 which is a reply. I'm looking at the subject line 13 with the letters RE followed by a colon, and there 14 is -- whatever the underlying -- whatever the e-mail 15 is that the witness was replying to is not on here. 16 So maybe -- maybe this is the way the document 17 actually exists, but it doesn't appear that way, at 18 least based on its face. So I'll have to take a 19 standing objection on that basis until we get that 20 resolved.</p> <p>21 BY MR. FERRALL:</p> <p>22 <b>Q. Do you recognize Exhibit 423, Mr. Remaker?</b></p> <p>23 A. I do.</p> <p>24 <b>Q. What were the reasons why you wrote it?</b></p> <p>25 A. I don't recall. It looks like it's a</p> <p style="text-align: right;">Page 152</p>
<p>1 <b>Q. Were there other companies you learned</b> 2 <b>about having commands similar to Cisco's in the --</b> 3 <b>before 2000?</b></p> <p>4 A. None that I can recall right away.</p> <p>5 <b>Q. How about after 2000? Did you come to</b> 6 <b>learn of other companies that had commands similar</b> 7 <b>to Cisco's?</b></p> <p>8 MR. NEUKOM: Objection. Misstates prior 9 testimony and vague.</p> <p>10 THE WITNESS: I presume that Arista uses 11 commands similar to Cisco commands based on the fact 12 that I've been asked to testify today.</p> <p>13 BY MR. FERRALL:</p> <p>14 <b>Q. Okay. Well, I asked you about Arista</b> 15 <b>already. So let's talk about other companies.</b> 16 <b>Are you familiar with any other company</b> 17 <b>using commands similar to Cisco's?</b></p> <p>18 A. Not that I can recall. 19 (Exhibit 423 marked for identification.)</p> <p>20 BY MR. FERRALL:</p> <p>21 <b>Q. I'm going to hand you what's been marked</b> 22 <b>as Exhibit 423, which is an e-mail from you dated</b> 23 <b>April 15, 2008, bearing control numbers CSI-CLI</b> 24 <b>01133437. This is an e-mail you wrote, right,</b> 25 <b>Mr. Remaker?</b></p> <p style="text-align: right;">Page 151</p>	<p>1 reply in the middle of a conversation.</p> <p>2 <b>Q. Who is Mr. Pratt?</b></p> <p>3 A. Mr. Pratt is an engineer, development 4 engineer, at Cisco Systems.</p> <p>5 <b>Q. The Re line says, "IOS CLI versus</b> 6 <b>underlying OS."</b></p> <p>7 <b>Do you know what that's referring to?</b></p> <p>8 A. I do not without further context.</p> <p>9 <b>Q. So you start this e-mail by writing, "I</b> 10 <b>would describe the IOS command set as an" -- I think</b> 11 <b>that should be "an," right? -- "emergent syntactic</b> 12 <b>anarchy (kind of like Perl, if you will)."</b></p> <p>13 <b>Do you see that?</b></p> <p>14 A. Yes.</p> <p>15 <b>Q. And was I right to -- the "and" in that</b> 16 <b>first sentence should be "an"?</b></p> <p>17 A. That is a -- yes, that is correct.</p> <p>18 <b>Q. Okay. What do you mean by "emergent</b> 19 <b>syntactic anarchy"?</b></p> <p>20 MR. NEUKOM: Objection. The document 21 speaks for itself.</p> <p>22 THE WITNESS: The syntax is not fixed but 23 developed by individual developers and therefore 24 emergent. 25 ///</p> <p style="text-align: right;">Page 153</p>

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<p>1 remind you that I'm not a lawyer.</p> <p>2 BY MR. FERRALL:</p> <p>3 <b>Q. No.</b></p> <p>4 <b>I am trying to get that clarification.</b></p> <p>5 <b>Did you mean litigation there?</b></p> <p>6 A. The litigation is what we were talking</p> <p>7 about.</p> <p>8 <b>Q. Okay. Legislation is when like Congress</b></p> <p>9 <b>passes law. There is no such thing at Cisco about</b></p> <p>10 <b>Arista legislation, is there?</b></p> <p>11 A. Not that I'm aware of, no.</p> <p>12 MR. NEUKOM: You just wait.</p> <p>13 BY MR. FERRALL:</p> <p>14 <b>Q. So on this bullet point, now that we've</b></p> <p>15 <b>clarified that "legislation" means "litigation,"</b></p> <p>16 <b>your point was, you would have preferred that the DE</b></p> <p>17 <b>community be more involved and informed about the</b></p> <p>18 <b>Arista litigation?</b></p> <p>19 MR. NEUKOM: Objection. Mischaracterizes</p> <p>20 the document.</p> <p>21 THE WITNESS: The document bullet point</p> <p>22 was intended that the most senior engineers be</p> <p>23 informed of things that they might get questions</p> <p>24 about.</p> <p>25 ////</p> <p style="text-align: right;">Page 186</p>	<p>1 <b>Q. Okay. Well, Mr. Remaker -- Remaker,</b></p> <p>2 <b>sorry. I almost made it through the whole</b></p> <p>3 <b>deposition without messing up your name.</b></p> <p>4 <b>So I have no further questions. This is</b></p> <p>5 <b>the end of your personal deposition, I guess, unless</b></p> <p>6 <b>Mr. Neukom has questions.</b></p> <p>7 MR. NEUKOM: Not at this time, no.</p> <p>8 MR. FERRALL: Thank you.</p> <p>9 THE VIDEOGRAPHER: This concludes today's</p> <p>10 videotaped deposition of Mr. Phillip Remaker. We're</p> <p>11 off the record at 5:27 p.m.</p> <p>12 (TIME NOTED: 5:27 P.M.)</p> <p style="text-align: right;">Page 188</p>
<p>1 BY MR. FERRALL:</p> <p>2 <b>Q. And why was the Arista litigation the</b></p> <p>3 <b>example you choose to include in this bullet point</b></p> <p>4 <b>about getting controversial issues in front of us?</b></p> <p>5 A. A number of the distinguished engineers</p> <p>6 were asked about the Arista legislation when it</p> <p>7 was -- pardon me -- the Arista litigation when it</p> <p>8 was announced and were frustrated that they weren't</p> <p>9 able to provide any answers to people asking them</p> <p>10 about it.</p> <p>11 <b>Q. Is the Arista litigation a controversial</b></p> <p>12 <b>issue?</b></p> <p>13 A. The Arista litigation has resulted in</p> <p>14 questions from people inside and outside Cisco</p> <p>15 our distinguished engineers.</p> <p>16 <b>Q. Such as what?</b></p> <p>17 A. What is the litigation about. What is</p> <p>18 Cisco trying to accomplish. Questions like that.</p> <p>19 <b>Q. Why is that controversial?</b></p> <p>20 A. It's controversial because the</p> <p>21 distinguished engineers pride themselves on being</p> <p>22 deeply informed and able to ask any questions that</p> <p>23 are asked of them. The controversy arises from the</p> <p>24 fact that we were uninformed of an issue that would</p> <p>25 generate a lot of questions.</p> <p style="text-align: right;">Page 187</p>	<p>1 DECLARATION UNDER PENALTY OF PERJURY</p> <p>2</p> <p>3 I, PHILLIP REMAKER, the witness herein,</p> <p>4 declare under penalty of perjury that I have read the</p> <p>5 foregoing in its entirety; and that the testimony</p> <p>6 contained therein, as corrected by me, is a true and</p> <p>7 accurate transcription of my testimony elicited at said</p> <p>8 time and place.</p> <p>9</p> <p>10 Executed this ____ day of _____ 2016, at</p> <p>11 _____,</p> <p>12 (City) (State)</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17 _____</p> <p>18 PHILLIP REMAKER</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: right;">Page 189</p>

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<p>1 REPORTER'S CERTIFICATION</p> <p>2 I, Leslie Johnson, a Certified Shorthand</p> <p>3 Reporter of the State of California, do hereby certify:</p> <p>4 That the foregoing proceedings were taken</p> <p>5 before me at the time and place herein set forth; that</p> <p>6 any witnesses in the foregoing proceedings, prior to</p> <p>7 testifying, were administered an oath; that a record of</p> <p>8 the proceedings was made by me using machine shorthand</p> <p>9 which was thereafter transcribed under my direction;</p> <p>10 that the foregoing transcript is a true record of the</p> <p>11 testimony given.</p> <p>12 Further, that if the foregoing pertains to</p> <p>13 the original transcript of a deposition in a Federal</p> <p>14 Case, before completion of the proceedings, review</p> <p>15 of the transcript [ ] was [ ] was not requested.</p> <p>16 I further certify I am neither financially interested in</p> <p>17 the action nor a relative or employee of any attorney or</p> <p>18 any party to this action.</p> <p>19 IN WITNESS WHEREOF, I have this date</p> <p>20 subscribed my name.</p> <p>21 Dated: April 13, 2016</p> <p>22</p> <p>23 &lt;%signature%&gt;</p> <p>24 LESLIE JOHNSON</p> <p>25 CSR No. 11451, RPR, CCRR</p> <p>Page 190</p>	